

Claims 4, 5 and 12-22 have been cancelled by Applicants. Claims 28, 29 and 31 are improperly dependent on a cancelled claim but are herein treated as if dependent on claim 23. Claim 1 has been amended and claim 23 is newly presented.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-3 and 6-11, drawn to a probe, classified in class 324, subclass 754.
- II. Claims 23-31, drawn to a probe, classified in class 324, subclass 754.

The inventions are distinct, each from the other because:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not include all of the details of the subcombination. The

subcombination has separate utility such as by itself for its intended purpose or in a different combination.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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